

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

FAIRFIELD SENTRY LIMITED, et al.,

Debtor in Foreign
Proceedings.

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

ABN AMRO SCHWEIZ AG a/k/a
AMRO (SWITZERLAND) AG, et al.,

Defendants.

Chapter 15 Case

Case No. 10-13164 (JPM)

Jointly Administered

Adv. Pro. No. 10-03636 (JPM)

EIGHTH AMENDED SCHEDULING ORDER
ON PERSONAL JURISDICTION BRIEFING AND SUBSEQUENT DISCOVERY

WHEREAS, on September 28, 2021, the Court entered a scheduling order for briefing motions to dismiss for lack of personal jurisdiction (“PJ Motions”);

WHEREAS, on January 14, 2022, the Court amended that scheduling order to facilitate the parties’ continued negotiations over jurisdictional discovery;

WHEREAS, the parties stipulated to the Second Amended Scheduling Order on Personal Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court on August 2, 2022, at Adv. Pro. No. 10-03636, ECF No. 997 (“Second Amended Scheduling Order”);

WHEREAS, the Second Amended Scheduling Order extended the Liquidators’ deadline to file briefs in opposition to defendants’ PJ Motions to March 31, 2023, which extension was to seek jurisdictional discovery needed to oppose defendants’ PJ Motions;

WHEREAS, the parties stipulated to the Third Amended Scheduling Order on Personal

Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court on March 30, 2022, at Adv. Pro. No. 10-03636, ECF No. 1112 (“Third Amended Scheduling Order”);

WHEREAS, the Third Amended Scheduling Order extended the Liquidators’ deadline to file briefs in opposition to certain defendants’ PJ Motions to May 12, 2023, which extension was to review further jurisdictional discovery to oppose those defendants’ PJ Motions and negotiate a potential settlement;

WHEREAS, the parties stipulated to the Fourth Amended Scheduling Order on Personal Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court on May 15, 2023, Adv. Pro. No. 10-03636, ECF No. 1199 (“Fourth Amended Scheduling Order”);

WHEREAS, the Fourth Amended Scheduling Order extended the Liquidators’ deadline to file briefs in opposition to certain defendants’ PJ Motions to May 26, 2023 and to July 11, 2023 for certain defendants, including Bank Leumi le-Israel B.M., which extension was to review further jurisdictional discovery to oppose those defendants’ PJ Motions and negotiate a potential settlement;

WHEREAS, the parties stipulated to the Fifth Amended Scheduling Order on Personal Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court on May 25, 2023, Adv. Pro. No. 10-03636, ECF No. 1207 (“Fifth Amended Scheduling Order”);

WHEREAS, the Fifth Amended Scheduling Order extended the Liquidators’ deadline to file briefs in opposition to certain defendants’ PJ Motions to June 9, 2023 and to July 26, 2023 for certain defendants, which extension was to negotiate a potential settlement;

WHEREAS, the parties stipulated to the Sixth Amended Scheduling Order on Personal Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court on June 8, 2023, Adv. Pro. No. 10-03636, ECF No. 1212 (“Sixth Amended Scheduling Order”);

WHEREAS, the Sixth Amended Scheduling Order extended the Liquidators' deadline to file briefs in opposition to certain defendants' PJ Motions to June 23, 2023 for certain defendants, which extension was to negotiate a potential settlement;

WHEREAS, the parties stipulated to the Seventh Amended Scheduling Order on Personal Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court on June 26, 2023, Adv. Pro. No. 10-03636, ECF No. 1218 ("Seventh Amended Scheduling Order");

WHEREAS, the Seventh Amended Scheduling Order extended the Liquidators' deadline to file briefs in opposition to certain defendants' PJ Motions to July 7, 2023 for certain defendants, which extension was to negotiate a potential settlement and extended the deadline for certain defendants to file a reply in support of its PJ motion July 28, 2023;

WHEREAS, on April 11, 2023, this Court granted the Liquidators and Bank Leumi le-Israel B.M.'s Joint Application For Appointment Of Commissioner And Direction Of Submission Of Hague Convention Application To Higher Court Of The Canton Of Zurich For Authorization Of The Duly Appointed Commissioner To Take Evidence Pursuant To Chapter II, Article 17 Of The Hague Convention Of 18 March 1970, Adv. Pro. No. 10-03636, ECF No. 1218 ("Commissioner Order");

WHEREAS, following the entry of the Commissioner Order, the Liquidators and Bank Leumi le-Israel B.M. have been working cooperatively to obtain discovery from Bank Leumi le-Israel B.M. that is located within Switzerland;

WHEREAS, the Liquidators and Bank Leumi le-Israel B.M. seek sufficient time in which to obtain the discovery in Switzerland;

WHEREAS, the Liquidators do not seek extensions on PJ Motion opposition briefs relating to PJ Motions filed by defendants other than Bank Leumi le-Israel B.M., which opposition

briefs have been or will be filed by the deadlines set in the Second, Third, Fourth, Fifth, Sixth, or Seventh Amended Scheduling Orders;

WHEREAS, Bank Leumi le-Israel B.M., who joined the Liquidators in submitting the Notice of Presentment, consent to extend the deadline for the Liquidators to file opposition briefs to their PJ Motions from July 11, 2023 to January 11, 2024;

WHEREAS, there is good cause to extend the case schedule accordingly;

IT IS NOW, THEREFORE, HEREBY ORDERED, that:

1. The deadlines in the Fourth Amended Scheduling Order shall only be affected by this Eighth Amended Scheduling Order with respect to Bank Leumi le-Israel B.M.;
2. With respect to the Bank Leumi le-Israel B.M., the Liquidators shall file its opposition to this defendant's PJ Motion by **January 11, 2024**;
3. Bank Leumi le-Israel B.M. shall file its reply in further support of its PJ Motions within 90 days of service of an opposition with respect to its PJ Motion;
4. The Court shall hear argument with respect to each defendant's PJ Motion at the next omnibus conference that is at least 30 days after service of a reply in further support of such PJ Motion; and

5. To the extent not modified herein, the provisions of the September 28, 2021 scheduling order regarding the PJ Motions, the provisions of the October 25, 2021 scheduling order following the parties' Rule 26(f) conference, the provisions of the August 2, 2022 Second Amended Scheduling Order, the provisions of the March 30, 2023 Third Amended Scheduling Order, the provisions of the May 15, 2023 Fourth Amended Scheduling Order, the provisions of the May 25, 2023 Fifth Amended Scheduling Order, the provisions of the June 8, 2023 Sixth Amended Scheduling Order, and all other provisions of the June 26, 2023 Seventh Amended Scheduling Order remain in full force and effect.

Dated: July 13, 2023
New York, New York

/s/ John P. Mastando III
HONORABLE JOHN P. MASTANDO III
UNITED STATES BANKRUPTCY JUDGE